

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FORTRESS CREDIT OPPORTUNITIES I, LP and	:
FORTRESS CREDIT OPPORTUNITIES II, LP,	:
	: 07-CV-7369 (HB)
Plaintiffs,	:
	:
-against-	:
	:
WAYNE C. COLEMAN, THE ROYALTY	:
COMPLIANCE ORGANIZATION and MOSS	:
ADAMS LLP	:
	:
Defendants.	:
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DEFENDANT MOSS ADAMS LLP'S STATEMENT OF UNDISPUTED FACTS
PURSUANT TO LOCAL RULE 56.1

Defendant Moss Adams LLP, through its attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, hereby submits, pursuant to Local Civil Rule 56.1 of the Southern District of New York, the following statement of material facts as to which it contends there are no issues to be tried.

UNDISPUTED MATERIAL FACTS

1. The Songwriter Collective LLC ("TSC") was a company created in 2002 to operate as a music publishing company owned and run solely for the benefit of its songwriter members.

2. TSC's members pledged the royalty streams generated by their individual music catalogues to TSC in return for an ownership interest in TSC.

3. Plaintiffs Fortress Credit Opportunities I, LP ("Fortress I") and Fortress Credit Opportunities II, LP ("Fortress II")(collectively, "Plaintiffs") are Delaware limited partnerships having principal places of business in New York City, and in the business of, among other things, providing commercial financing.

4. In 2003, TSC approached Plaintiffs seeking bridge financing to support its operations.

5. As a condition precedent to providing any financing, Plaintiffs required that TSC provide a valuation of its royalty catalogue.

6. In or about November 2003, TSC engaged Wayne C. Coleman and The Royalty Compliance Organization to perform the valuation of TSC's royalty catalogue.

7. In or about November 2003, TSC also engaged Moss Adams, an accounting firm, to compile historical royalty information reported to potential TSC members.

8. Moss Adams' compilation work resulted in a report dated February 17, 2004.

9. Moss Adams' compilation report was delivered by facsimile to TSC and to Joshua Pack of Fortress I on February 17, 2007.

10. Plaintiffs and Moss Adams entered into a Tolling Agreement, effective February 28, 2007, which tolled the running of the statute of limitations on any claim Plaintiffs might have against Moss Adams from February 28, 2007 through August 17, 2007.

11. Plaintiffs commenced this action on August 17, 2007.

12. As against Moss Adams, Plaintiffs assert a single cause of action for professional negligence.

Dated: New York, New York
September 18, 2007

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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